IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO.509 OF 2005

Shri Shankar Devji Dhudham ..Appellant

Versus

Smt.Kshitija Sumant Khatavkar ..Respnodent

Mr.S.G.Karandikar for appellant

Mr.M.M.Sathaye for respondent

CORAM : P.V.KAKADE, J.

DATE : 21st JULY 2005.

P.C.:

1. The Appellant has preferred this appeal against the judgment and order passed by Addl. District Judge, Khed dated 19.6.2004 dismissing the appeal and confirming the judgment and decree passed by Civil Judge Junior Division, Dapoli dated 16.4.2002 decreeing the suit for possession of the suit property and consequential reliefs.

2. I have heard the learned counsel for both the parties. Perused the record.

3. It appears that the plaintiff filed the suit for possession of the suit property against the defendant and for consequential reliefs for recovery of rent and mesne profits regarding the suit premises, which was let out to the defendant on monthly rent. The monthly tenancy was duly terminated by the defendant by notice dated 14.12.1995 and suit for possession was filed. The suit was resisted by the defendant on various grounds including the allegation that the suit premises was obtained by the defendant on hire purchase transaction.

. The learned trial judge adjudicated the dispute on merits and came to the conclusion that the relationship between the landlord and tenant was proved and the tenancy was legally terminated by the plaintiff. It was also held that the defendant’s defence that the suit premises was taken on hire purchase transaction was not established. Hence the suit came to be decreed. The appeal was carried to the District Court. The learned Addl. District Judge after hearing both the

parties came to the conclusion that the findings recorded by the learned Trial Court were legal and proper and therefore, appeal came to be dismissed. Hence the present appeal.

4. At the outset it may be noted that there is absolutely no substantial question of law involved in this appeal. The learned counsel for the appellant submits that some time should be granted to the appellant to vacate the suit premises. In view of the facts and circumstances therefore, the appeal stands dismissed with no order as to costs. Consequently Civil Application No.935 of 2005 also stands dismissed with no order as to costs.

5. The appellant shall hand over the vacant and peaceful possession of the suit premises to the plaintiff-respondent on or before 30th November, 2005 on condition that he shall execute Undertaking to that effect within two weeks from the date of this order before this court.